

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON GRAND JURY 2021  
JULY 12, 2022, SESSION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2: 22-cr-00138  
18 U.S.C. § 1344(2)  
29 U.S.C. § 501(e)  
18 U.S.C. § 1028A

GARY F. FRIDLEY, II

INDICTMENT

The Grand Jury charges:

**Background:**

At all relevant times to this Indictment:

1. Defendant GARY F. FRIDLEY, II, was an officer of a labor union known to the Grand Jury (hereinafter, "Union") located in Nitro, West Virginia, and held the position of Financial Secretary on the Union's executive board.
2. The Union was a labor organization engaged in an industry affecting commerce within the meaning of 29 U.S.C. § 402(i) and (j).
3. As part of his duties as Financial Secretary, defendant GARY F. FRIDLEY, II, was the financial officer of the Union and was responsible for maintaining the Union's books and records, preparing and co-signing the Union's checks, drafting financial reports, and preparing the Union's taxes.

4. The Union maintained a checking account with a bank located in Nitro, Kanawha County, West Virginia (hereinafter, "Victim Bank").

5. Victim Bank had numerous branch offices throughout West Virginia and was a financial institution as defined by 18 U.S.C. § 20.

6. The Union required at least two members of its executive board to sign a check for authorization to withdrawal funds from the Union's checking account with the Victim Bank.

7. The Union authorized lost time payments to Union officers when Union business caused members to take unpaid leave from work. Lost time payments were not made to Union officers if the officers were conducting Union business outside the hours of their employment.

#### **The Scheme**

8. From at least on or about December 20, 2018, through on or about June 12, 2019, at or near Nitro, Kanawha County and Putnam County, West Virginia, and within the Southern District of West Virginia, defendant GARY F. FRIDLEY, II, did knowingly devise and intend to devise a scheme and artifice to defraud and obtain money, funds, credits, assets, securities, and other property owned by and under the custody and control of a financial institution, that is, Victim Bank, by means of materially false and fraudulent pretenses, representations and promises.

#### **Manner and Means of the Scheme**

9. It was part of the scheme that defendant GARY F. FRIDLEY, II knowingly forged the signatures of other Union officers, without authorization, and misappropriated funds from the Union's checking account at the Victim Bank and paid himself unauthorized lost time payments. Defendant GARY F. FRIDLEY, II, in fact forged signatures of other Union officers on multiple occasions.

10. As part of the scheme, defendant GARY F. FRIDLEY, II, would then fraudulently deposit the unauthorized Union checks in his own personal bank account and unlawfully converted the Union's funds to his own use.

11. In order to hide his scheme, defendant GARY F. FRIDLEY, II falsified check memos, lost time vouchers, entries in the Union's ledger, and hid or altered bank statements related to his scheme to defraud.

12. From on or about December 20, 2018, through on or about June 12, 2019, defendant GARY F. FRIDLEY, II fraudulently obtained approximately \$19,732.88 from the Victim Bank.

#### **Specific Offense Conduct**

13. On or about the dates below, for the purpose of executing and attempting to execute the scheme and artifice to defraud and obtain money owned by and under the custody and control of a financial institution, that is, Victim Bank, by means of false and fraudulent pretenses, representations and promises, defendant GARY F. FRIDLEY, II, knowingly presented to a financial institution fraudulent checks drawn from the Union's checking account held at Victim Bank, each fraudulent check constituting a separate count:

| <b>COUNT</b> | <b>APPROXIMATE<br/>DATE<br/>PRESENTED</b> | <b>CHECK<br/>NO.</b> | <b>DESCRIPTION<br/>OF CHECK</b>  |
|--------------|---|----------------------|--|
| 1            | 3/14/2019                                 | 10627                | \$ 2,157.47, unauthorized from the Union's checking account and forged by the defendant with two false signatures. |
| 2            | 4/1/2019                                  | 10639                | \$ 1,765.20, unauthorized from the Union's checking account and forged by the defendant with two false signatures. |
| 3            | 4/21/2019                                 | 10647                | \$ 2,157.47, unauthorized from the Union's checking account and forged by the defendant with two false signatures. |

|   |           |       |  |
|---|-----------|-------|--|
| 4 | 5/28/2019 | 10680 | \$ 1,274.95, unauthorized from the Union's checking account and forged by the defendant with two false signatures. |
| 5 | 6/12/2019 | 10685 | \$ 1,321.55, unauthorized from the Union's checking account and forged by the defendant with two false signatures. |

In violation of Title 18, United States Code, Section 1344(2).

**COUNT SIX**

14. Paragraph 1 - 13 are incorporated herein.

15. From at least on or about December 20, 2018, through on or about June 12, 2019, at or near Nitro, Kanawha County and Putnam County, West Virginia, and within the Southern District of West Virginia, defendant GARY F. FRIDLEY, II, did knowingly embezzle, steal, and unlawfully and willfully abstract and convert to his own use \$19,732.88 of the moneys, funds, securities, property, and other assets of a labor organization, of which he was an officer, that is the Union.

In violation of Title 29, United States Code, Section 501(c).



**COUNT SEVEN**

16. Paragraphs 1 – 13 are incorporated herein.

17. On or about June 12, 2019 at or near Nitro, Kanawha County and Putnam County, West Virginia, and within the Southern District of West Virginia, and elsewhere, defendant GARY F. FRIDLEY, II knowingly transferred, possessed, and used, without lawful authority, a means of identification of another person, that is, the name and signatures of R.J., a person known to the Grand Jury, during and in relation to a felony violation of 18 U.S.C. § 1344, that is, bank fraud, and while knowing that the means of identification belonged to an actual person.

In violation of Title 18, United States Code, Section 1028A.

WILLIAM S. THOMPSON  
United States Attorney

By:



Kathleen E. Robeson  
Assistant United States Attorney